

ORDINANCE NO. 3061

AN ORDINANCE of the City Council of the City of Puyallup, Washington, extending for six-months a moratorium with respect to the acceptance or processing of applications, or issuance of permits, and approvals, and uses or activities associated with the producing, processing, or retailing of marijuana and marijuana-infused products.

Whereas, Washington voters approved Initiative 502 (I-502) in 2012, which, among other provisions, allows persons twenty-one (21) years old and older to legally possess one-ounce of useable marijuana;

Whereas, I-502 legalizes the production, processing, and retail sales of marijuana and directs the Washington State Liquor Control Board (WSLCB) to promulgate rules for the issuance of licenses by the WSLCB to such producers, processors, and retailers;

Whereas, under I-502, a “producer” is one who produces marijuana at the wholesale level for sale to processors, a “processor” is one who processes, packages, and labels marijuana for sale to marijuana retailers, and a “retailer” is one who sells useable marijuana and marijuana-infused products at a retail outlet;

Whereas, the City is authorized pursuant to RCW 35A.63.220 and RCW 36.70A.390 to renew an existing moratorium that for up to six-months as long as the City adopts findings of fact and holds a public hearing before renewing a moratorium;

Whereas, the City Council adopted Ordinance 3048 on August 13, 2013, that imposed a sixty-day moratorium on the acceptance or processing of applications or issuance of permits pertaining to producing, processing, and retailing of marijuana and marijuana-infused products and, within such ordinance included findings of fact to support the imposition of the moratorium;

Whereas, the City Council held a public hearing on October 1, 2013 regarding the moratorium imposed by Ordinance 3048 and extended the moratorium should for six-months via Ordinance 3049;

Whereas, the WSLCB began accepting license applications for producers, processors, and retailers in November 2013 and December 2013;

Whereas, the WSLCB has currently started issuing licenses to producers and processors and will shortly begin issuing licenses to retailers;

Whereas, the City does not have any regulations addressing the type and location

of facilities/premises used for the production, processing, and retail sales of marijuana and marijuana-infused products;

Whereas, City staff drafted proposed land use regulations pertaining to state-licensed producers, processors, and retailers and presented these proposed regulations on January 8, 2014 to the City's Planning Commission ("Commission") for review;

Whereas, on January 29, 2014 the Commission held a public hearing on the proposed land use regulations and after the hearing and Commission deliberations, the Commission recommended the City Council should adopt the proposed regulations if the City Council allows for marijuana producers, processors, and retailers to operate in the City;

Whereas, the Washington State Attorney General issued an advisory opinion in January 2014 that states municipalities can prohibit state-licensed marijuana businesses within a city's boundaries or impose zoning and other land use regulations pertaining to such businesses;

Whereas, legislation was recently introduced in the Washington State Legislature's 2014 session that pertained to state-licensed marijuana business and could have impacted the City's approach to this matter, but was not adopted by the Washington State Legislature;

Whereas, the City Council believes the existing moratorium should be renewed for an additional six months to allow the City to further analyze this matter in light of the Washington State Attorney General's opinion and to review and contemplate the land use regulations recommended by the Commission;

Whereas, a renewal of the moratorium is in the best interests of the City and is needed to preserve the public health, safety and welfare of the residents of the City;

NOW THEREFORE, the City Council of the City of Puyallup ordains as follows:

Section 1. Findings of Fact. The Puyallup City Council adopts the foregoing recitals as findings of fact in support of this ordinance.

Section 2. Imposition of Moratorium. A moratorium is hereby imposed in all land-use zones within the City of Puyallup with respect to the acceptance or processing of applications, or issuance of permits and approvals, and uses or activities associated with production, processing, and retailing of marijuana and marijuana-infused products. For purposes of this ordinance, marijuana, marijuana-infused products, and the production, processing, and retailing of marijuana and marijuana-infused products shall

be defined as provided for in Chapter 69.50 RCW as currently enacted or thereafter amended.

Section 3. Duration. The moratorium imposed by this ordinance shall continue in effect through September 31, 2014, unless repealed, extended or modified by the City Council after public hearing and entry of findings of fact as required by RCW 35A.63.220 and RCW 36.70A.390.

Section 4. Public Emergency. The City Council hereby finds and declares that a public emergency exists, and that this ordinance is necessary for the protection of the health, safety and welfare of the City's residents and, thus, should take effect upon adoption.

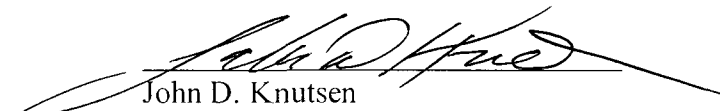
Section 5. Severability – Construction. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance unless the invalidity destroys the purpose and intent of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Puyallup Municipal Code, this ordinance is deemed to control.

Section 6. Publication. A summary of this ordinance shall be published as required by law.

Section 7. Effective Date. In accordance with RCW 35A.13.190, this ordinance, as a public emergency ordinance, shall take effect and be in force immediately upon adoption.

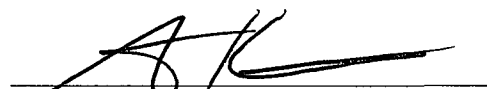
Passed and approved by City Council of the City of Puyallup at a regularly scheduled open public meeting on the 18th day of March, 2014 by the following 6 – 1 vote:

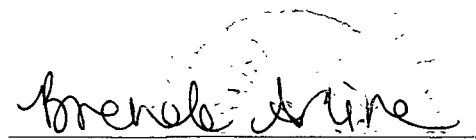
Councilmember Door	Yea
Councilmember Shadko	Yea
Deputy Mayor Hopkins	Nay
Councilmember Palmer	Yea
Councilmember Swanson	Yea
Councilmember Vermillion	Yea
Mayor Knutsen	Yea


John D. Knutsen
Mayor

Approved as to form:

Attest:


Steve M. Kirkelie
Deputy City Attorney


Brenda Arline
City Clerk

Published: March 26, 2014
Effective: March 18, 2014